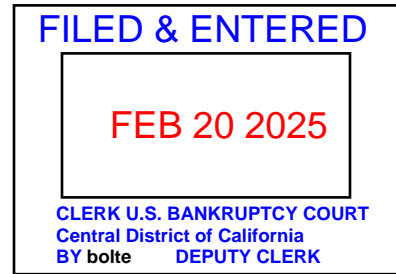


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HOUSER BROS. CO. dba RANCHO DEL  
7 REY MOBILE HOME ESTATES



8 UNITED STATES BANKRUPTCY COURT

9 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

10 In re

Case No. 8:21-bk-11710-SC

11 JAMIE LYNN GALLIAN,

Chapter 7

12 Debtor.

ORDER GRANTING HOUSER BROS. CO.  
DBA RANCHO DEL REY MOBILE HOME  
ESTATES'S MOTION OBJECTING TO  
DEBTOR'S CLAIMED HOMESTEAD  
EXEMPTION IN "PAD" LOCATED AT  
16222 MONTEREY LN., SPACE 376,  
HUNTINGTON BEACH, CA 92649

16 Date: February 4, 2025  
17 Time: 11:00 a.m.  
18 Ctrm: 5C  
Location: 411 W. Fourth Street  
Santa Ana, CA 92701

19  
20 The "Motion Objecting to Debtor's Claimed Homestead Exemption in 'Pad' Located at  
21 16222 Monterey Ln., Space 376, Huntington Beach, CA 92649" ("Motion"), filed by Houser  
22 Bros. Co. dba Rancho Del Rey Mobile Home Estates ("Houser Bros."), on January 2, 2025, as  
23 Dk. No. 529, came on for hearing on February 4, 2025, at 11:00 a.m., before the Honorable  
24 Scott C. Clarkson. All appearances were as noted on the record.

25 The Court has read and considered the Motion; the joinder to the Motion, filed by The  
26 Huntington Beach Gables Homeowners Association on January 8, 2025, as Dk. No. 531; the  
27 Declaration of Chris Houser filed by Houser Bros. on January 10, 2025, as Dk. No. 532; the  
28 joinder to the Motion, filed by Jeffrey I. Golden, Chapter 7 Trustee for the Bankruptcy Estate of


1 Jamie Lynn Gallian (“Debtor”), on January 13, 2025, as Dk. No. 533; the Opposition to the  
2 Motion, filed by Debtor on January 24, 2025, as Dk. No. 535; the amended Opposition to the  
3 Motion, filed by Debtor on January 25, 2025, as Dk. No. 536; the reply in support of the  
4 Motion, filed by Houser Bros. on January 28, 2025, as Dk. No. 537; the unauthorized Sur-Reply  
5 to the Motion, filed by Debtor on January 31, 2025, as Dk. No. 544; and all other pleadings and  
6 papers filed in this case. For the reasons set forth in the Court’s tentative ruling, a copy of which  
7 is attached hereto as **Exhibit 1**, and as set forth on the record, the Court finds good cause to  
8 grant the Motion, and enters its order as follows:

9 IT IS ORDERED that:

- 10 1. The Motion is granted in its entirety.
- 11 2. Houser Bros.’s objections to Debtor’s claimed exemptions in the Pad pursuant to  
12 California Code of Civil Procedure §§ 704.930, 704.930(a), and 704.720(a) in 16222 Monterey Ln.,  
13 Space 376, Huntington Beach, CA 92649 “Pad” (“Pad”) are sustained, and all claims of exemption  
14 by Debtor in the Pad are disallowed.

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16 ###  
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23 Date: February 20, 2025

24   
25 Scott C. Clarkson  
26 United States Bankruptcy Judge  
27  
28

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Scott Clarkson, Presiding  
Courtroom 5C Calendar**

**Tuesday, February 4, 2025**

**Hearing Room 5C**

11:00 AM

**8:21-11710 Jamie Lynn Gallian**

**Chapter 7**

**#4.00**

Hearing RE: Motion Objecting To Debtor's Claimed Homestead Exemption In  
"PAD" Located At 16222 Monterey Lane, Space 376, Huntington Beach, CA  
92649  
(Motion filed 1/2/25)

Docket 529

**Tentative Ruling:**

Tentative for 2/4/25 is to GRANT.

Movant, Houser Bros, objects to the exemption asserted by Debtor in her Amended Schedule C [Dk. 519] in the "PAD," which is the property underneath Debtor's mobile home. The motion is joined by the Chapter 7 Trustee and the Huntington Beach Gables HOA.

Preliminarily, as noted by Movant, Debtor's Amended Schedule C [Dk. 519] identifies non-existent statutes as the basis for her exemption in the "PAD" as follows: "11 U.S.C. § 704.930, 11 U.S.C. § 704.930(a), and 11 U.S.C. § 704.720(a)." It is clear, however, that Movant is aware of which statutes Debtor is using and that no confusion resulted from Debtor's error. *See, e.g., In re White*, 377 B.R. 633 (Bankr. Ariz. 2007). Thus, any objection based upon the foregoing is not warranted.

Secondarily, Movant's argument regarding the untimeliness and formatting of Debtor's opposition is well-taken. Debtor has been previously warned that untimely pleadings will not be considered by the Court, as fully noted in Movant's Reply; however, the opposition is only 3 days late and Movant has not articulated any identifiable harm and in fact filed a fulsome reply. The opposition will be considered. The Court's prior cautions, however, are repeated for future reference.

Turning to the merits, Debtor bears the burden of proof on her exemptions, which she has not met. *In re Tallerico*, 532 B.R. 774, 780 (Bankr. E.D. Cal. 2015); CCP § 704.780(a)(1).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Scott Clarkson, Presiding  
Courtroom 5C Calendar**

**Tuesday, February 4, 2025**

**Hearing Room 5C**

11:00 AM

**CONT... Jamie Lynn Galian**

**Chapter 7**

Here, Debtor somewhat incoherently argues in her opposition that she possesses both a declared homestead and an automatic homestead. As noted above, Debtor's Amended Schedule C [Dk. 519] references the statutes pertaining to both, as follows: "11 U.S.C. § 704.930, 11 U.S.C. § 704.930(a), and 11 U.S.C. § 704.720(a)." The assertion of both homesteads is permissible. See generally, *In re Salazar*, 2022 Bankr. LEXIS 1615 (Bankr. C.D. Cal. 2022).

Under either statute, however, Debtor has not identified any exemptible interest in the "PAD," which is the land underneath her mobile home, which is fatal to the assertion of both exemptions. She argues that her interest stems from a ground lease. This argument is insufficient to establish an exemptible interest. Debtor has already admitted, and the Court has previously found, that she is not a party to any ground lease. See *Houser Bros. Co. v. Galian (In re Galian)*, Case No. 8:21-ap-01097-SC, ECF No. 72 at 366-67 (Bankr. C.D. Cal. May 3, 2023). This finding is law of the case. Under the "law of the case" doctrine, "a court is generally precluded from reconsidering an issue that has already been decided by the same court, or a higher court in the identical case." *Thomas v. Bible*, 983 F.2d 152, 154 (9th Cir.), cert. denied 508 U.S. 951 (1993).

Debtor does not own the real property (i.e., the "PAD"), and has not otherwise demonstrated that she has any exemptible interest, which is her burden. Thus, the motion is appropriate to grant as to Debtor's exemptions on Amended Schedule C in the "PAD," which is the property upon which her mobile home sits. Her exemption to her home remains unchanged.

Virtual appearances are required. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities. Only the parties, including counsels, their clients, and pro se individuals, may virtually join the hearing. No testimony, however, will be permitted unless specifically authorized by the Court either prior to, or during, the hearing. Parties virtually appearing should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Scott Clarkson, Presiding  
Courtroom 5C Calendar**

**Tuesday, February 4, 2025**

**Hearing Room 5C**

11:00 AM

**CONT... Jamie Lynn Galian**

**Chapter 7**

The audio portion of each hearing will be recorded electronically by the Court and constitute its official record. **By Order of the Judicial Conference of the United States, members of the general public may only view the hearings from the Courtroom, which will remain open, or access the hearing by audioconference only, as set forth below. This is a nationwide mandate and is not subject to this Court's discretion. The Court will have monitors on and viewable within the Courtroom for viewing.**

Hearing participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1608592258>

Meeting ID: 160 859 2258

Password: 843179

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the below audio conference information. PLEASE BE ADVISED THAT THE GENERAL PUBLIC AND ALL MEDIA MAY ONLY USE THE AUDIO CONFERENCE SYSTEM BELOW AND MAY NOT UTILIZE THE VIDEO CONFERENCE SYSTEM.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 859 2258

Password: 843179

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Scott Clarkson, Presiding  
Courtroom 5C Calendar**

**Tuesday, February 4, 2025**

**Hearing Room 5C**

11:00 AM

**CONT... Jamie Lynn Gallian**

**Chapter 7**

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

As noted in the Court's Zoom Video Hearing Guide, located at <https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

<b>Party Information</b>
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**Debtor(s):**

Jamie Lynn Gallian

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Aaron E. De Leest  
Eric P Israel  
Shantal Malmed